

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Legislation before the Energy & Technology Committee on February 21, 2013	Support/ Oppose
RAISED BILL 888: AN ACT CONCERNING WIRELESS BROADBAND.	Oppose

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut in 1895. CFPA has offered testimony before the General Assembly every year since 1897 on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation.

On behalf of CFPA, I submit testimony in strong opposition to Raised Bill 888. In our opinion, this bill is unnecessary. Under Section 16-50p of the General Statutes, the CT Siting Council already has the ability to and a process to site telecommunications towers and associated infrastructure on state lands if those structures are compatible with the purposes of the site. The Statute has already defined “public need.” The Statute already provides the authority to receive a fee from a telecommunications tower.

In addition, this bill goes beyond current law in dangerous ways. For example, Section 2(j) the bill is written to send a chilling message to potential intervenors. Giving the Siting Council the authority to have the Attorney General to bring a civil action against an intervenor, seek injunctive relief, civil penalties, and reasonable attorney fees seems intended to intimidate citizens who might be opposed to projects but not have the means to hire experts, lawyers, etc. This could unfairly tilt the balance strongly against individuals who should have a voice in important local siting decisions.

Although it is our understanding that Section 3 will be removed, its current form is simply offensive in its over-reach. Compelling every state agency to make available any building, property, right-of-way or easement for the placement of a new wireless facility AND insist on a presumption that any master contract application shall be granted eviscerates the authority of the CT Siting Council. This is preposterous. After subsections (a) and (b) of Section 3 have removed distinct leverage from the Siting Council, it is truly ironic to conclude in the last sentence of the bill that “No provision of this section shall limit the jurisdiction of the CT Siting Council.”

We hope you will defeat this bill. Thank you for the opportunity to testify on this bill, and I am glad to respond to any questions you may have.